

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

NEW WALLINGTON HOME, LLC, a New Jersey limited liability company; and MORNINGSIDE AT WALLINGTON, LLC, a New Jersey limited liability company,

Plaintiffs,

vs.

BOROUGH OF WALLINGTON; BOROUGH OF WALLINGTON PLANNING BOARD; MARK W. TOMKO, in his official capacity as former Mayor of the Borough of Wallington; DOROTHY B. SIEK, in her official capacity as former Tax Collector for the Borough of Wallington; and CHRISTOPHER ASSENHEIMER, in his official capacity as Certified Tax Collector of the Borough of Wallington,

Defendants.

Civil Action No. 2:20-cv-08178

**CONSENT ORDER  
SETTING DEADLINES FOR  
EXPERT DISCOVERY**

THIS MATTER having come before the Court on the joint application of Plaintiffs New Wallington Home, LLC (“NWH”), and Morningside at Wallington, LLC (“MAW”) (collectively, “Plaintiffs”), and Defendants Borough of Wallington (“Borough”), Borough of Wallington Planning Board (“Board”), and Christopher Assenheimer, in his official capacity (collectively, “Defendants”) (and together

with Plaintiffs, the “Parties”), for entry of this Consent Order setting forth the following expert deadlines, and good cause having been shown;

**IT IS ON THIS 5th day of May 2025:**

**ORDERED** that the parties shall complete expert discovery in accordance with the following schedule:

- (1) Plaintiffs’ expert report(s) will be served by no later than June 30, 2025;
- (2) Defendants’ expert report(s) will be served by no later than August 29, 2025; and
- (3) Expert depositions are to be completed by October 13, 2025.

**ACCEPTED AND AGREED BY:**

**O’TOOLE SCRIVO, LLC**  
*Attorneys for Plaintiffs*

s/James DiGiulio  
James DiGiulio

Dated: May 2, 2025

**PFUND MCDONNELL, P.C.**  
*Attorneys for Defendants*

s/ Gerald A. Shepard  
Gerald A. Shepard

Dated: May 2, 2025

The Court will hold a telephonic status conference in this matter on **July 21, 2025, at 11:00 a.m.**, which the parties shall join by dialing 973-437-5535, access code 341 645 73#. On or before July 17, 2025, the parties shall file a joint status letter, not to exceed three pages, providing the Court with an update on the status of discovery.

/s/ André M. Espinosa  
ANDRÉ M. ESPINOSA  
United States Magistrate Judge